

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

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MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHNNY B. DELASHAW, Jr.,

Plaintiff-Appellant,

v.

SEATTLE TIMES COMPANY,

Defendant-Appellee,

and

CHARLES COBBS,

Defendant,

SWEDISH HEALTH SERVICES; ROD  
OSKOUIAN,

Intervenors.

No. 21-35124

D.C. No. 2:18-cv-00537-JLR  
Western District of Washington,  
Seattle

ORDER

JOHNNY B. DELASHAW, Jr.,

Plaintiff-Appellee,

v.

SEATTLE TIMES COMPANY,

Defendant-Appellant,

v.

SWEDISH HEALTH SERVICES,

No. 21-35153

D.C. No. 2:18-cv-00537-JLR

Intervenor-Appellee,  
  
and  
  
CHARLES COBBS,  
  
Defendant,  
  
ROD OSKOUIAN,  
  
Intervenor.

Before: Lisa B. Fitzgerald, Appellate Commissioner.

Johnny B. Delashaw, Jr.'s opposed motion (Docket Entry No. 51)<sup>1</sup> to file under seal Volume 2 of the further excerpts of record is granted, subject to reconsideration by the merits panel. The Clerk will file publicly the motion (Docket Entry No. 51-1), the third brief on cross-appeal (Docket Entry No. 49), and Volume 1 of the further excerpts of record (Docket Entry No. 50). The Clerk will also file publicly the cross-appeal reply brief (Docket Entry No. 58) and further supplemental excerpts of record (Docket Entry No. 59).

The Clerk will maintain under seal Volume 2 of the further excerpts of record (Docket Entry No. 51-2). Seattle Times Company's motion (included in Docket Entry No. 53) to unseal Volume 2 of the further excerpts, the opposition to

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<sup>1</sup> The docket entry numbers in this order refer to Appeal No. 21-35124.

the motion (Docket Entry No. 60), and any reply, are referred to the merits panel for whatever consideration the panel deems appropriate.

Delashaw's motion (Docket Entry No. 52) to strike portions of Seattle Times Company's second brief on cross-appeal, the opposition to the motion (Docket Entry No. 55), and the reply (Docket Entry No. 57) are also referred to the merits panel. Any discussion of the disputed materials in the parties' briefs may be stricken or disregarded if the merits panel grants the motion to strike.

Briefing is complete.